

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

S.L ANDERSON & SONS, *et al.*,

Plaintiffs,

v.

PACCAR, INC., *et al.*,

Defendants.

CASE NO. C18-0742-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiffs' notice of dismissal (Dkt. No. 77). Plaintiffs seek to dismiss this action. (*Id.* at 2.) But Rule 41(a) states that an action may be dismissed at the plaintiff's request only by court order, with two exceptions: (1) where the plaintiff files a notice of dismissal before the opposing party serves an answer or summary judgment motion, or (2) where all parties who have appeared sign a stipulation of dismissal. Fed. R. Civ. P. 41(a)(1)(A).

Here, Defendants have filed an answer (Dkt. No. 56), but did not stipulate to this dismissal. (*See* Dkt. No. 77 at 2.) Plaintiffs' notice thus fails to satisfy the requirements of Rule 41(a). Accordingly, Plaintiffs shall either re-file the notice with Defendants' stipulation or make a showing that an order of dismissal is appropriate absent a stipulation.

1 DATED this 21st day of January 2021.

2 William M. McCool
3 Clerk of Court

4 s/Paula McNabb
5 Deputy Clerk